

LAW OFFICE OF AMY JANE AGNEW

Honorable Loretta A. Preska
Senior Justice, United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

July 18, 2023

VIA ECF

Re: *Allen, et al. v. NYS DOCCS, et al.*, 19-cv-8173 (LP)(SN)

Dear Judge Preska:

Plaintiffs write to respectfully request that the Court execute the affixed Orders to Produce so we can serve them on DOCCS' facilities and facilitate the testimony of the class members named therein. We have named twenty-four (24) patient witnesses, however, we are certainly open to any guidance the Court may provide on the number of witnesses it would like to hear. As with the testimony at the preliminary injunction, the class member testimony will be pretty redundant, but we do want to meet Defendant Moores' voiced concerns that Plaintiffs have not provided enough first-hand testimony to the Court of the on-going constitutional violations. Of course, if the Court feels twenty-four is not enough, Plaintiffs can produce many more patient witnesses.¹

We thank the Court for its continuing courtesies.

Very truly yours,

/s/ *AJ Agnew*

Amy Jane Agnew, Esq.

¹ We note that the Court asked Defendant Moores' counsel to provide legal authority for the proposition that a "percentage" of DOCCS' patient population was needed to justify state-wide injunctions. We have yet to see that authority and offer to the Court that there are several state-wide injunctions regarding the health care of inmates in which district courts relied on far less prisoner witnesses than we have already offered in both the preliminary and permanent injunction submissions. See Jensen v. Shinn, 12-cv-0601 (PHX)(ROS), 609 F. Supp. 3d 789, n. 5 (Dist. Ariz. June 30, 2022)(citing the testimony of six prisoners and experts as basis for giant, sweeping injunctions over Arizona prison system to remedy constitutional violations in medical and psychiatric care as well as disciplinary practices).